

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  PLAGGE FARMS, INC.	DOCKET NO. FCU-03-55 (C-03-180)
----------------------------------	------------------------------------

**ORDER DENYING REQUEST FOR FORMAL COMPLAINT PROCEEDINGS**

(Issued January 30, 2004)

In July of 2003 Curtis Plagge of Plagge Farms, Inc., a farming operation near Latimer, Iowa, sent letters to each member of the Utilities Board (Board) regarding a segment of a 69 kV transmission line belonging to MidAmerican Energy Company (MidAmerican). Over the past five years, Plagge Farms said the line had twice fallen on to a Franklin Rural Electric Cooperative (Franklin) distribution line that is built under the MidAmerican line. This caused power surges, damaging some of Plagge Farm's electrical equipment. Plagge Farms is located within Franklin's exclusive service territory and, therefore, receives retail electric service from Franklin.

Plagge Farms sought relief in small claims court, but the Court denied relief. The Court found MidAmerican's tariff shielded it from damages, even though Plagge Farms was not a customer of MidAmerican. While the Board has some questions whether MidAmerican's tariff was correctly applied by the Court to a non-customer, Plagge Farms did not appeal the Court's decision. Plagge Farms indicated it was aware the Board could not award damages, but asked whether something could be done to prevent such events in the future.

The Board opened an informal complaint file, identified as C-03-180, and requested additional information from MidAmerican, including a recent history of the transmission line in question.

MidAmerican's initial response to the complaint did not adequately address the question, so the Board requested further information. MidAmerican filed a second response. After reviewing both responses, the Board's Safety and Engineering Section inspected the line and reviewed MidAmerican's records.

The inspection and review showed that while several insulators on the line had been replaced, one damaged insulator needed attention. The Board's inspector speculated from his ground observation and past experience that it appeared the damaged insulator had been hit by one or more bullets. MidAmerican's records indicated the transmission line had been inspected annually since at least 1996, which is more frequently than the Board's rules require. The Board's rules do not require that specific outage information for each line be kept and MidAmerican does not maintain such information.

In its informal resolution, the Board's staff noted that the number of insulator failures on this 3-¼ mile line segment seemed to be excessive. The Board's staff proposed, and MidAmerican agreed, to inspect the line quarterly to see if there is an insulator failure problem associated with this line. The Board's staff also suggested Plagge Farms and its neighbors explore the possibility with Franklin of relocating or burying the distribution line or installing surge protectors at the electric service entrance to each property.

Plagge Farms was not satisfied with the informal resolution and on December 10, 2003, filed a letter requesting formal complaint proceedings. The

letter did not contain any additional information about the complaint. The Consumer Advocate Division of the Department of Justice (Consumer Advocate) submitted data requests to both MidAmerican and Franklin. On January 8, 2003, Consumer Advocate filed a response supporting Plagge Farms' request for formal complaint proceedings. MidAmerican filed a resistance to the requests for formal proceedings on January 14, 2004.

Iowa Code § 476.3(1) (2003) provides, in part, that following informal complaint proceedings, "[t]he complainant or the public utility also may petition the board to initiate a formal proceeding which petition shall be granted if the board determines that there is any reasonable ground for investigating the complaint." This is the standard the Board applies to requests for formal complaint proceedings.

All documents contained in the file of an informal complaint proceeding are part of the record. 199 IAC 6.7. Thus, in determining whether there is any reasonable ground for instituting formal complaint proceedings, the Board reviews the entire file of the informal complaint proceedings and the request for formal complaint proceedings.

This record indicates that while Plagge Farms has been affected by line failures twice in five years, there is no indication that similar problems are widespread throughout MidAmerican's transmission system. The transmission line in question uses two types of insulators, polymer and porcelain, and both are widely used in the industry. There are no indications that the industry has experienced specific problems with either type of insulator. From the record and on-site inspection, it appears one or more persons may be using the insulators for target practice. If this is the case, there is not much that MidAmerican can reasonably be

expected to do. In any event, quarterly inspections of the line will allow any damaged insulators to be replaced on a timelier basis, regardless of how they are damaged. Plagge Farms may also want to consider the other recommendations made by Board's staff.

The Board continually examines its rules to see if additional or revised rules could improve the reliability of the electric system. In this case, the Board does not believe additional rules will alleviate the problems.

After an exhaustive review by the Board and its staff, the Board concludes that there is no reasonable ground for investigating any aspects of this complaint further. Therefore, the request for formal complaint proceedings will be denied.

**IT IS THEREFORE ORDERED:**

The request for formal complaint proceedings filed by Plagge Farms, Inc., on December 10, 2003, is denied.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 30<sup>th</sup> day of January, 2004.